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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,508	01/24/2002	John G. Dygon	RSW920010158US1	1465

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EXAMINER
INGBERG, TODD D

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/056,508	DYGON ET AL.
	Examiner	Art Unit	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 December 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *1/24/2002* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 17 have been examined.

Claims 1, 7 and 13, have been amended.

Claim Rejections - 35 USC § 101

1.   Rejection under 35 U.S.C. 101 is withdrawn.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **TOBAC**:

A Test Case Browser for Testing Object Oriented Software, by Ernst Siepmann et al, ACM 1998

in view of TETware Test Case software from The Open Group, 1998 and .

The product TETware is documented in two manuals

        User's Guide (**UG**)
        Programmer's Guide (**PG**)
Claim 1
A method <u>stored on a computer readable medium and executed on a computer</u> for automated
testing of software products in a multi-platform and multi
product environment comprising the steps of:
        selecting a list of at least one test case by a user via a user interface;
        storing said list in a queue;
        executing said test cases contained on said list automatically at specified times; and
        storing output information generated by said software products.
<u>Examiner's Response</u>
        TETware teaches a method for automated testing of software products in a multi-platform
(UG, page 8, multiple OS) and multi product environment (PG, pages 4, 147, 159, API for
interfacing to Application Software also see PG. Page 256 TCM acts as a wrapper to provide
commands) comprising the steps of:

selecting a list of at least one test case (UG, pages 26 – 30, Scenarios) by a user via a user interface;

storing said list in a queue (UG, page 39, Test Case Controller – "Kernel") ;

executing said test cases contained on said list automatically at specified times (UG, pages 45 – 47, use of a daemon); and

storing output information generated by said software products (UG, page 36, results file). What TETware does not explicitly teach is the user interface being a browser. It is TOBAC who teaches the use of the browser (TOBAC, page 165, Figure 14). Neither Tetware not TOBAC explicitly teach test cases executing at specific times. It is Wichelman who explicitly teaches automatic periodic behavior in test cases (Wichelman, Abstract) . Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of TETware, TOBAC and Wichelman because, browser based test case environments provide for the ability to test environments which reflect real world behavior.

Claim 2

The method as set forth in claim 1, wherein the step of executing said test cases contained on said list automatically at a specified time further comprises the steps of retrieving location and attribute information about said test case from a database; using said location and attribute information to extract said test case applying input information associated with said test case to said software product.

Examiner's Response

In addition to the use of a daemon in claim 1, TETware also provides a generating and executing test processes (PG, page 100).

Claim 3

The method as set forth in claim 1, wherein the step of selecting a list of at least one test case by a user via a user interface further comprises the steps of selecting a product to be tested by said test case; and selecting the platform for said software product to operate

Examiner's Response

TOBAC shows the product list in the second column of page 165, Figure 14.

Claim 4

A method as set forth in claim 1, further comprising the step of: evaluating said output information generated by said software product to determine whether said product is operating as properly.

Examiner's Response

TETware teaches Error handling and reporting (PG, pages 92 – 93).

Claim 6

The method as set forth in claim 1, wherein the step of applying input information associated with said test case to said software product further comprises the steps of retrieving a batch file containing execution commands;

running said execution commands;

providing said input information as specified in said execution commands to said

application; and receiving source code output from said product.
Examiner's Response
As per the rejection for claim 1.

Claim 7

A system <u>stored on a computer readable medium and executed on a computer</u> for automated remote testing of software products in a multi-product and multiplatform environment, comprising:

        a series of databases;

        a kernel containing executable code for automatically running the testing process at specified times; and

        a user interface.

Examiner's Response
As per the rejection for claim 1.

Claim 8

A system as set forth in claim 7, wherein the series of databases further comprises: a platform preference database for maintaining data on various platforms the system can operate on; a product description containing data on the various software products that can be tested; an test definition database containing information on the test cases that can be executed; and a test result database containing information on the results of the testing procedure.

Examiner's Response
As per the rejection for claim 1 and PG, pages 5 – 6.

Claim 9

A system as set forth in claim 7, wherein the said kernel further comprises: a remote execution engine for executing batch files to run test cases; a test execution queue containing user instructions to the remote execution engine on which batch files to execute to run user selected test cases.

Examiner's Response
As per the rejection for claim 1 and TETware PG, page 12, #12, Distributed.

Claim 10

A system as set forth in claim 9, wherein the kernel further comprises: a code preparation module for evaluating the results of said test cases.

Examiner's Response
As per the rejection for claim 1 and UG, pages 50-53.

Claim 12

A system as set forth in claim 7, wherein said test cases are "self-checking."

Examiner's Response
PG, page 5, non conforming test cases.

Claim 13

A computer program product for automated remote testing of a software product in a
multiproduct and multi-platform environment, comprising computer executable instructions for:
storing identifying information for a list of user selected test cases in a queue; extracting said test
case from a specified location using said information; executing said test case at a specified time;
storing the output generated from the execution of said test case.
Examiner's Response
As per claim 1 with emphasis on queue, UR, page 47 scenarios in TCM, executing test cases ,
UR, page 39, and results in log, UG, page 75).

Claim 14
A computer program product as set forth in claim 13, wherein the computer executable
instructions for executing said test case further comprise instructions for: using identifying
information in said queue to retrieve a batch file containing execution commands;
        running said execution commands;
        providing said input information as specified in said execution commands to the said
software product; and
        accepting source code output from said software product.
Examiner's Response
As per claim 1 the commands of TCM, and the output in many forms PG, pages 46 results, states
and events 47-48, errors pages 50-53.

Claim 15
A computer program product as set forth in claim 13, wherein the computer executable
instructions for storing the output generated from the execution of said test case further
comprises instructions for: compiling said source code output for processing; and
processing said compiled source code.
Examiner's Response
As per the rejection for claim 1 and PG page 8.

Claim 16
A computer program product as set forth in claim 13, wherein the computer executable
instructions for processing said compiled source code further comprises instructions for:
        comparing said output with pre-established expected output;
        determining results based upon whether said software product passed, partially passed or
failed the testing process; and
        providing said results to the user.
Examiner's Response
As per the rejection for claim 1 and PG, pages 5 – 6.

4.   Claim5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over TETware
and TOBAC as applied to claim1-4,6-10,12-17 above, and further in view of Netscape by Mark
Brown published 1995.
Examiner's Response

TETware and TOBAC teach test case usage for testing software via a browser. But the Browser is not an Internet browser and able to display a web page. It is Netscape who teaches Internet web browsers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the browser based test case teachings of TETware and TOBAC with Netscape because, testing over the Internet makes testing tools more adaptive.

Claim 5
A method as set forth in claim 1, further comprising the step of displaying said output information on a web page accessible through an internet user interface. .

Claim 11
A system as set forth in claim 7, further comprising a web page for displaying the results in a format accessible by a user using an internet browser.

Claim 17
A computer program product as set forth in claim 15, further comprising instructions for displaying said results on a web page.

Conclusion

5.   Applicant has made amendments to all independent claims. However, the amendment to overcome the Office's current position on 35 U.S.C. 101 is not considered by the Examiner to be sufficient to necessitate a Final action. This action is made non-final.
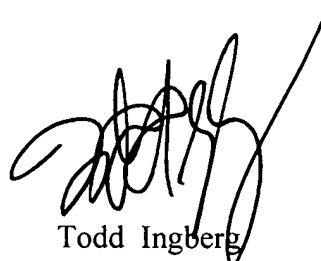
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd Ingberg
Primary Examiner
Art Unit 2193

TI